

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert B. O'Rourke (Reg. No 46,972) on 1/21/2010.
3. This amendment is to preclude claims 55-60 from being directed to a form energy since prior to this amendment they can be interpreted as being directed to a signal or carrier waves.

In the claims

Please amend the claims as follows:

Claim 55, line 2, please delete "storage medium" and insert - - non-transitory medium - -;

Claim 55, lines 2-3, please delete "storage medium" and insert - - non-transitory medium - -.

***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance: Applicants have claimed uniquely distinct features in the instant invention, which are not found in the prior art, either singularly or in combination. The independent claims 49, 55 and 61 identify the following uniquely distinct features:

5. With respect to Claim 49: "said second child controller not adopting a second inherited severity level from said second parent controller as said second threshold and instead:

adopting said second minimum severity level setting as said second threshold severity level because said second inherited severity level resides below said second minimum severity level setting; or,

adopting said second maximum severity level setting as said second threshold severity level because said second inherited severity level resides above said second maximum severity level setting"

6. With respect to Claim 55: "said second child controller not adopting a second inherited severity level from said second parent controller as said second threshold and instead:

adopting said second minimum severity level setting as said second threshold severity level because said second inherited severity level resides below said second minimum severity level setting; or,

adopting said second maximum severity level setting as said second threshold severity level because said second inherited severity level resides above said second maximum severity level setting"

7. With respect to Claim 61: "said second child controller not adopting a second inherited severity level from said second parent controller as said second threshold and instead:

adopting said second minimum severity level setting as said second threshold severity level because said second inherited severity level resides below said second minimum severity level setting; or,

adopting said second maximum severity level setting as said second threshold severity level because said second inherited severity level resides above said second maximum severity level setting"

The closest prior art, either singularly or in combination fails to anticipate or render the above limitations obvious.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL  
1/19/2010

/John Follansbee/  
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